

## REMARKS

The Office Action mailed March 5, 1999, has been reviewed and the examiner's comments have been considered. Claims 1-2, 8-9 and 17-19 were pending in the application and were rejected in the Office Action. By way of the instant reply, claims 2, 9 and 17-19 have been canceled, and claims 1 and 8 have been amended. Therefore, claims 1 and 8 are submitted for reconsideration by the examiner.

Claims 2 and 16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 16 was canceled by way of a Preliminary Amendment filed on April 7, 1998. Thus, as to claim 16, the rejection is moot. As to canceled claim 2, this rejection is also moot.

Claims 1, 2, 8, 9 and 17-19 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over USP 5,754,961. As to canceled claims 2, 9 and 7-19, this rejection is moot. As to claims 1 and 8, applicants have attached a Terminal Disclaimer to overcome the double patenting rejection.

Claims 1, 2, 8, 9 and 17-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mahany et al. (USP 5,483,676). As to canceled claims 2, 9 and 17-19, this rejection is moot. Applicants respectfully traverse this rejection of claims 1 and 8 for the following reasons.

The present invention is directed at a radio communication system providing a relatively high downlink data transmission rate. As disclosed in the specification, the present invention allows communication with a relatively high-speed downlink transmission and a relatively low-speed uplink transmission. Thus, the system enables the downlink to transmit a larger amount of data than the amount of uplink transmission data. Also, the system improves the efficiency of frequency utilization. Accordingly, claims 1 and 8 of the present application recite that each base station comprises at least a high-speed transmitter and a low-speed receiver, and each terminal comprises at least a low-speed transmitter and a high-speed receiver.

In contrast, Mahany does not teach or suggest a downlink data transmission rate that is greater than the uplink data transmission rate. Mahany discloses a communication system where the communication rate for both uplink and downlink transmissions is adjusted based on an evaluation of a test transmission or test pattern. Upon evaluation of the test

transmission, the system disclosed in Mahany selects either low-speed or the high-speed transmission and establishes communication at the selected data transmission rate for both the downlink and the uplink. Thus, Mahany does not disclose the use of a relatively high-speed downlink transmitter.

Since Mahany does not teach the use of high-speed downlink transmission relative to the uplink transmission, independent claims 1 and 8 are not anticipated by Mahany and are patentable for at least that reason.

### CONCLUSION

In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the examiner is invited to contact the undersigned at the number shown below.

If applicants have not accounted for any fees required by this Amendment, the Commissioner is hereby authorized to charge the missing fees to our Deposit Account No. 19-0741. If applicants have not accounted for a required extension of time under 37 C.F.R. § 1.136, that extension is requested and the corresponding fee should be charged to our Deposit Account.

Respectfully submitted,

6/7/99  
Date

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